

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN

FRITZ PYEN
Plaintiff,

-vs.-

DEMAND FOR JURY TRIAL

GC SERVICES LIMITED PARTNERSHIP - DELAWARE
Defendant.

COMPLAINT & JURY DEMAND

Plaintiff, Fritz Pyen, through counsel, Nitzkin and Associates, by Gary Nitzkin states the following claims for relief:

JURISDICTION

1. This court has jurisdiction under the FDCPA, 15 U.S.C. §1692k(d) and 28 U.S.C.
2. §§1331,1337.
3. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

PARTIES

4. The Defendant to this lawsuit is GC Services Limited Partnership - Delaware ("GC Services") which is a foreign limited partnership doing business in Oakland County, MI.

VENUE

5. The transactions and occurrences which give rise to this action occurred in Washtenaw County, MI.
6. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

7. Defendant is attempting to collect on a Citibank debt allegedly due from the Plaintiff and his mother, Eun Chyung.
8. This is a consumer type debt.
9. Around November of 2010, Defendant started calling Plaintiff in connection with the collection of this debt.
10. Plaintiff first spoke with Defendant in the beginning of January, 2011.
11. Defendant spoke with a Michelle Gardner.
12. Around January 10, 2011, Michelle Gardner started calling Plaintiff's sister and brother-in-law, Mae Hong and Bob Hong, respectively.
13. Ms Gardner called the Hong's home phone and both of their cellular telephones.
14. She called them approximately six times.
15. Around January 10, 2011, Ms. Gardner told the Hong's that she was calling about a debt owed by Plaintiff.
16. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

17. Plaintiff reincorporates the preceding allegations by reference.
18. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
19. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.
20. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
21. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692 et. seq;
22. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE

23. Plaintiff incorporates the preceding allegations by reference.
24. Defendant is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).
25. Plaintiff is a debtor as that term is defined in M.C.L. § 339.901(f).
26. Defendant's foregoing acts in attempting to collect this alleged debt violated MCL §339.915
27. Plaintiff has suffered damages as a result of these violations of the Michigan Occupational Code.
28. These violations of the Michigan Occupational Code were willful.

COUNT III - VIOLATION OF THE MICHIGAN COLLECTION PRACTICES ACT

29. Plaintiff incorporates the preceding allegations by reference.
30. Defendant is a "Regulated Person" as that term is defined in the Michigan Collection Practices Act ("MCPA"), at MCL § 445.251.
31. Plaintiff is a "Consumer" as that term is defined at MCL § 445.251.
32. Defendant's foregoing acts in attempting to collect this alleged debt violated MCL §445.252
33. Plaintiff has suffered damages as a result of these violations of the MCPA.
34. These violations of the MCPA were willful.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the defendant:

- a. Actual damages.
- b. Statutory damages.
- c. Treble damages.
- d. Statutory costs and attorney fees.

Respectfully submitted.

February 10, 2011

/s/ Gary Nitzkin
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